

**Ravalli County Planning Board
Meeting Minutes for November 19, 2008
3:00 p.m.
Commissioners Meeting Room, 215 S. 4th Street, Hamilton, Montana**

Public Meeting
Mountain View Orchards Block 14, Lot 15A, AP "Cottonwood Meadows" Major Subdivision (GSB, LLC) -**CANCELLED**

This is a summary of the meeting, not a verbatim transcript. A CD of the meeting may be purchased from the Planning Department for \$5.00.

1. Call to order

Lee called the meeting to order at 3:02 PM

2. Roll Call (See Attachment A, Roll Call Sheet)

(A) Members

Mary Lee Bailey (present)
Dale Brown (present)
John Carbin (absent - excused)
Jim Dawson (present)
Ben Hillicoss (absent-unexcused)
Dan Huls (absent - excused)
JR Iman (absent- excused)
Lee Kierig (present)
Chip Pigman (present)
Les Rutledge (present)
Jan Wisniewski (present)

Park Board Representative: Bob Cron (present)

(B) Staff

John Lavey
Jon Wickersham
Danielle High

3. Approval of Minutes

Lee asked if there were any corrections or additions to the minutes from November 5, 2008. He said he had one issue with the minutes. He said that under Communications from the Board, he would like to see it corrected from him stating that there was a lack of unity from the board changed to lack of unity from the Planning Staff, Board of Commissioners, and the Planning Board. The minutes were approved as corrected.

4. Amendments to the Agenda

There were none.

5. **Correspondence**

There was none.

6. **Disclosure of Possible/Perceived Conflicts**

There were none.

7. **Public Meeting**

(A) Mountain View Orchards Block 14, Lot 15A, AP "Cottonwood Meadows" (GSB, LLC)
Major Subdivision -**CANCELLED**

8. **Communications from Staff**

Tristan Riddell gave an overview of why the hearing for Mountain View Orchards Block 14, Lot 15A, AP "Cottonwood Meadows" was cancelled. He said that the applicants and the applicants' agent were not satisfied with the staff report recommendation and decided to continue to work on it to come up with an agreement before they proceed.

John Lavey introduced Jon Wickersham to the Planning Board as the new Assistant Planner. He said that there are a few Planning Board Members that have terms expiring December 31, 2008; if they would like to stay on the Board, they can reapply at the Commissioners Office.

9. **Communications from Public**

There was none.

10. **Communications from The Board**

There was none

11. **New Business**

(A) Discussion and possible decision on Planning Department Priorities

John Lavey stated that he combined the comments from last week's meeting and put them together for the board to consider. He said that the Planning Board should consider development of a countywide strategic plan as one of the options. He said that the Board can come up with a work plan and work on coming up with some options to be more involved with the planning side. (See Attachment B, Memorandum from John Lavey addressing Planning Department Priorities)

Mary Lee stated that she thinks that the Subdivision Regulations are the most important and would like to see all of the resources working on getting them up-to-date.

Lee asked if Mary Lee would like to see the Subdivision Regulations be moved up on the list.

Mary Lee replied that the first three on the list we have to have and then the next thing is that the Subdivision Regulations have to be improved.

Bob stated that a few years ago there was a person that worked here part time on behalf of the Park Board and he said that it helped move things along and would like to see someone come back.

Chip said that he agrees with Mary Lee about making the Subdivision Regulations our priority and getting them up-to-date. He also said that now that the Growth Policy and zoning were turned down, he did not want to see everyone take this as an opportunity to put everything into the Subdivision Regulations. He would like to see the regulations be fixed and updated to what they are supposed to be used for, including possibly working on enforcement of the regulations we have. He also stated that at the last meeting on November 13, 2008, he heard someone say that on the Streamside Setbacks it was a legal loophole and that the Commissioners said that it was not a legal loophole. He referred to page 4 of 6 to see if it is legal. He said that the public sees it as they are going to get Streamside Setbacks even though they voted against the Growth Policy. He mentioned that maybe there be better communication with the public and put the Streamside Setbacks under different rules.

John replied that the Board was right on all the fronts that there are going to be a lot of requests and that we need to identify what is real and what is possible. We need to be clear and to the point so that there is no confusion. He said that the Planning Department would be happy to set up an appointment or a time to discuss the enforcement issue. For Streamside Setbacks, we need to see if that is something that the Commissioners want us to work on and if so, we need to see if it is legal. If it is deemed legal and a Planning Department priority, then he would like to see it be pushed not on a regulatory front, but on a reward, incentive front.

Chip stated that we could see something accomplished if we see enforcement on the floodplain front of things. There could be some sort of education getting out there to the community.

Lee stated that he would like to see some sort of enforcement too.

Dale said that he thinks that Laura Hendrix, the Ravalli County Floodplain Administrator, is doing a great job with the enforcement of the floodplain. He also stated that he thought that the Environmental Health Department was doing a great job on enforcing too.

Lee agreed that Laura did a great job on enforcing issues on the Bitterroot River portion of the floodplain, but wanted to point out there are lots of other streams in the Bitterroot Valley that flood too.

Mary Lee stated that maybe they could form a subcommittee to work on the Subdivision Regulations to get the process moving along.

John said that if there is a subcommittee or even if the entire Board works on it, that they do some research before they do any code writing.

Chip stated that when he was working on a project that involved streams, there were five agencies that came out to make sure that he was following the law. He said that it takes some time but they do make sure that you are following the law when there is concern.

Mary Lee said that the problem is that we don't have anyone to go out there and make sure that everyone is going by the law.

Lee stated that there are some people that do not know that they need to check or ask if they can do certain things. They need to loop the system to find out what they need to do before they just go and build or do other things on your property.

Les said that he is not sure what to do on the enforcement aspect without having to go through the County Attorney's Office. He said that he agrees with what other members have said about the Planning Department Priorities. He would like to see maybe coming up with a couple of categories. The first category would include the first four on the list. In the second category, he would like to see Number 5 and 8 be put together.

Bob said that he supports the first four on the list. He said that there are a few items on the list that he would not like to see dropped because they are not on the top of the list. The first one was to continue to support creation of voluntary zoning districts. The other one is the cooperation of the four incorporated cities.

John responded that that specific option for voluntary zoning districts was more geared toward helping the people who were interested in putting one together. The Planning Department will help with putting one together and help enforce the provisions.

Chip stated that at least half of the county residents (plus or minus) support some kind of zoning /land use.

Kathleen Driscoll stated that voluntary zoning is good, but the challenge is enforcing it. Maybe if we come up with a list of items that they can base their zoning off of, it might be a good idea. It will make it easier to enforce and will streamline it.

Chip stated that he liked that idea of maybe coming up with a template for people to use.

Lee stated that we need to continue to reach out to the community about the need for planning. Sustainability is the most imperative issue facing us today. We have to work together to make this a vital community.

John said that he would like to take the conversation back to the agenda and stated that he has been hearing a lot of support for the first four items on the list and that there has been a lot of discussion about Number 6 - Enforcement. He asked the Board if they would like to move that item up on the list.

Mary Lee motioned to recommend that the Planning Department Priorities include the first four items on the list and move Number 6 to the fifth spot. The first five priorities would then be Numbers 1,2,3,4 and 6.

Chip seconded the motion.

Les stated that he agrees that the first four are important and so is enforcement, but he would like to make a pitch that we include Numbers 5 and 8.

Lee asked if the motion excluded the rest of the list.

Mary Lee replied that the motion did not exclude the rest of the list. It just meant that we picked the first five to focus our time and energy on for right now.

Bob stated that Numbers 5,7,8 and 13 are outreach efforts and you could look at them as second tiers.

The vote was called; the members voted (7-0) to approve the motion.

Chip asked if it was just him, but every time there is a joint meeting called with the Commissioners there is always some kind of miscommunication and the Board does not get to engage in the meeting. He said he felt excluded and would have liked to have been heard.

Lee also voiced his concern about not being able to be part of the joint meeting.

John said that it was due to a processing error. When the calendar came out, it was not posted 48 hours prior as a joint meeting.

The Board voiced concern about not being able to be part of the meeting on November 13, 2008, as a Board when they were all there and sitting in the front row.

John stated that he voiced that concern to the Commissioners and recommended that the Board consider writing letters to the Commissioners voicing their concerns and opinions on the issue.

12. Old Business

(A) Special Project: Airport Affected Area

John said that the County was supposed to adopt an Airport Affected Area by 2006. This is going to be used to create reasonable land use tools that control the growth in this area so that it does not affect the airport's operations. He said that the Board would review and then propose a reasonable code that would be used in this area so that there would be no conflicts between future subdivisions and the airport. He asked if the Board is interested and if they are, if they want to form a subcommittee to address the issue or would they like to do the project as a whole Board. He said that it would be a great opportunity for the Board to do some planning.

Les asked what exactly they would be doing. He wanted to know if they would be defining the area.

John replied that someone else would be handling defining the area. The only thing that the Board would be doing is coming up with a code that would be applicable to the area.

Chip asked if the Airport Affected Area was the same as the Airport Influence Area. He said that he has heard some people call it that.

John replied that conceptually they are the same, but specifically, they are not the same. The Airport Influence Area was established years ago and what the Board would be doing is different.

Chip asked if we could discuss the Airport Project at a regular Planning Board meeting if there was not a lot to discuss.

John replied that they could do that and that there was not a deadline, but he would like to see it get started as soon as possible. He said that he would send the Board the model code and most of the correspondence that he had received. He proposed having a special meeting. He told the board that he would be coming up with some times and dates to have a meeting.

13. **Next Regularly Scheduled Meeting: December 3, 2008 at 7:00 p.m.**

- (A) Nighthawk Meadows (Mountain Magic, LLC) Major Subdivision
- (B) Country Life Estates II (Schallenberger) Major Subdivision

14. **Adjournment**

Lee adjourned the meeting at 4:25 p.m.